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1965

## Report of the Dean of the School of Law for the Year 1964-1965

Charles O. Galvin

*Southern Methodist University, School of Law*

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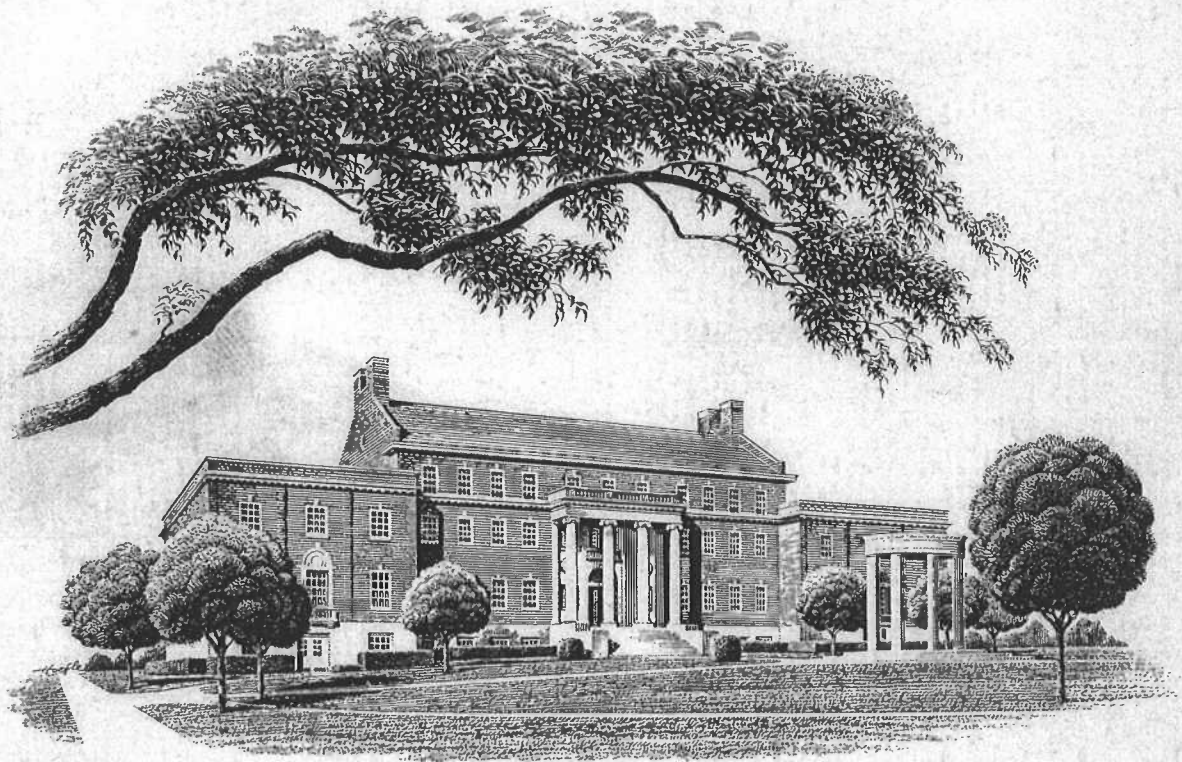
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*REPORT OF THE DEAN*  
*OF*  
*THE SCHOOL OF LAW*  
*FOR THE YEAR*  
*1964-1965*



STOREY HALL

*Southwestern Legal Center*

*SOUTHERN METHODIST UNIVERSITY*

*DALLAS, TEXAS*

*SOUTHERN METHODIST UNIVERSITY*

*Report of the Dean*

*of*

*THE SCHOOL OF LAW*

*For the Year*

*1964-1965*

SOUTHWESTERN LEGAL CENTER

DALLAS, TEXAS

*To the President, Members of the Board of Trustees,  
Members of the Board of Visitors, and Law  
Alumni of Southern Methodist University:*

As Dean of the School of Law, I have the honor to submit my report for the summer session, 1964, and the regular session, 1964-1965. This report is divided into the following parts:

- I. General Statement
  - II. Faculty
  - III. Degree Programs
  - IV. Southwestern Legal Foundation
  - V. Curriculum
  - VI. Law Library
  - VII. Recruiting and Enrollment
  - VIII. Alumni Relations, School of Law Development Fund, Student Aid
  - IX. Scholarly Journals
  - X. Legal Aid Clinic and Professional Responsibility Program
  - XI. Moot Court Program
  - XII. Placement
  - XIII. The Robert G. Storey Lecture
  - XIV. University Administration
- Appendix A — Class of 1965, honors and awards, student activities and organizations for the year 1964-1965
- Appendix B — Faculty bibliography and activities, 1964-1965
- Appendix C — Law School Committee of the Board of Trustees; Board of Visitors; Law Alumni Association
- Appendix D — Statement of Dean delivered at the Law School Convocation on Monday, September 20, 1965

## I. *General Statement*

In June, 1965, the School of Law completed its fortieth academic year. The number of degrees awarded was the largest in the School's history. They are summarized as follows:

Bachelor of Laws . . . . .	107
Master of Comparative Law . . . . .	12
Master of Laws . . . . .	4

In addition, the Certificate in Comparative Law was issued to one student.

Appendix A reflects detailed information regarding the degree candidates, honors and awards, and student activities and organizations for the year 1964-1965.

The Northeast Central region of Texas continues to experience an unprecedented population growth and economic expansion. Consequently, the increasing need for legal services in these circumstances presents a continuing challenge to the School of Law to serve the community well. In this connection, we have been exceedingly encouraged by the steadily growing number of highly qualified applicants from colleges and universities all over the country who see in the Southwestern area an opportunity for public service and professional fulfillment. The reputation for scholarship and quality education of our Law School receives wider recognition each year, and we are thus able to attract students of high quality and to provide a better product for service to the public and to the profession.

## II. *Faculty*

Appendix B describes in detail the various activities of the faculty for the year under review. In addition to the traditional professional and scholarly endeavors in which law teachers customarily engage, our faculty members serve the University family by their contribution to various committees and interdisciplinary enterprises, and they also participate on programs before a number of civic and lay groups to interpret legal institutions and the role of law and of lawyers in modern life.

On July 1, 1964, Professor Clyde Emery, a member of the faculty of the School of Law since 1936, retired and was designated Professor Emeritus. Professor Emery has continued to teach some courses and to participate actively in the life of the Law School.

On July 1, 1964, Visiting Professor FitzGerald and Assistant Professor Barber were promoted to Professor and Associate Professor, respectively. Associate Professor Barber was on leave of absence during the academic year 1964-1965 as a Visiting Associate Professor at the Yale Law School.

On July 1, 1964, James R. Craig was appointed Assistant Professor and Assistant Dean. Professor Craig, an honor graduate of the Law School, had been clerk to The Honorable James L. Noel, Jr., Judge, United States District Court, Southern District of Texas.

Assistant Professor Laurence M. Cottingham resigned effective August 31, 1965, to accept a position as Assistant to the Vice President of the National Empire Life Insurance Company, Dallas, Texas.

Professor Harold G. Wren resigned effective June 30, 1965, to accept a position on the faculty of Boston College Law School.

### *III. Degree Programs*

The School of Law operated the following major programs during the year 1964-1965:

(A) The Bachelor of Laws program in the undergraduate Day Division;

(B) The Bachelor of Laws program in the undergraduate Evening Division;

(C) The general graduate program for both part-time and full-time students leading to the degree of Master of Laws;

(D) The graduate program in international and com-

parative law leading to the degree of Master of Comparative Law;

(E) The graduate program in research and writing leading to the degree of Doctor of Science of Law.

The principal concern of the School is the training of students for the legal profession with some special emphasis on preparation for the practice of law in the Southwestern region. In addition, the School offers intensive training in depth in the graduate programs with special areas of concentration in taxation, oil and gas, securities regulation, and international and comparative law. The graduate program leading to the Master of Laws degree requires a major thesis; the program leading to the Master of Comparative Law degree does not require a major thesis but a number of significant pieces of written work are required in the various seminars in which the student must enroll for this degree program.

The degree of Doctor of Science of Law requires that a major thesis be completed and either published or presented in publishable form. No candidate for the S.J.D. degree has as yet completed the requirements, although several major doctoral theses of considerable promise are currently in progress.

The international and comparative law program continued last year on a highly successful basis with a select group of students from abroad.

During the summer, 1964, the School of Law conducted an orientation program for students from abroad trained in the civil law system. This orientation program was made possible through grants from the Ford Foundation, the Institute of International Education, and the Agency for International Development. Students attending the orientation program included those who, in the fall of 1964, enrolled as candidates for the Master of Comparative Law and those who went to other law schools for graduate work. For a period of eight weeks in July and August, the group was given an introduction to American government and institutions, legal method, federal and state court procedures, basic legal research, and an intensive course in English. In addition, these students were

received into the homes of various families in the area who extended to them hospitality and encouraged them in their work.

Because of the success of the orientation program and of similar programs in other law schools, the Association of American Law Schools organized in the summer of 1965 an orientation program at Princeton University. The plan of the Princeton program is that a student from abroad coming to the United States to study law at the graduate level will first do an orientation program at Princeton before going to the particular law school which has accepted him.

In view of the availability of the Princeton program for all students from abroad, we have discontinued the orientation program at our School, following the 1964 Summer Session.

In addition to the orientation program conducted by the School of Law, the Southwestern Legal Foundation held an Academy of International and Comparative Law on a noncredit basis for eight weeks during the summer of 1964, designed for lawyers, judges, and law teachers from abroad. Certain students were selected from among this group for the Master of Comparative Law program in the School of Law for the regular term.

#### *IV. Southwestern Legal Foundation*

During the year the Southwestern Legal Foundation, in cooperation with the School of Law, offered a variety of noncredit programs of continuing legal education. These consisted of short courses, institutes, symposia, conferences, and seminars which brought together legal scholars and practitioners for discussion of various problems relating to law and society in special fields. The continuing cooperation of the School of Law and the Foundation as the component parts of the Southwestern Legal Center will make for an ever-widening influence by both institutions in their respective areas of activity.



## V. Curriculum

The curriculum in effect from September 1, 1964, for the Bachelor of Laws program consists of ninety hours of required work taken over six semesters of residence in the Day Division and similar number of hours taken over eight semesters of residence in the Evening Division. This is a change from the previous years in which a summer's residence was required for Day Division students and two summers' residence, for Evening Division students. Although the summer residence is now optional, the ninety-hour requirement remains the same, and it is expected that many students will continue to pursue their studies in the summer session. This will permit some experimentation with new courses; it will also permit students to take courses in small classes with the consequent greater availability of time for individual supervision by the instructor.

During the regular session, 1964-1965, one hundred twenty-six courses and seminars were offered, providing a content of breadth and depth in both the theory and applications of the law. Under present degree requirements the student takes a basic curriculum of thirty-six hours and then has fifty-four hours of electives in a variety of areas. The only restriction on selection of electives is that he must meet certain minimum hour requirements in each of five groups of courses: Business, Property, Litigation, Public Law, and International and Comparative Law and Jurisprudence. The student must also complete minimum requirements in planning seminars and in research and writing.

The size of the Law School permits each student to have the opportunity to select several courses or seminars of limited enrollment with the consequent advantage of greater student-professor dialogue and of more effective individual instructor supervision.

## VI. Law Library

During the year, \$95,000 was expended on the library operation of the School. About 5,331 volumes were added, making a total of 126,625 volumes. The library continues to

rank among the largest private law school libraries in the country, serving not only undergraduate and graduate students in law but also members of the bench and bar in the area. The international collection has kept pace with the increased interest in and need for such a collection.

The most pressing need is a library building. Preliminary drawings have been authorized for presentation to the University's building commission and consulting architects. This will become a major project for the immediate future.

## VII. *Recruiting and Enrollment*

Comparative statistics for the School of Law show registrations in the fall semesters, 1963 and 1964, as follows:

	<u>Day</u>		<u>Evening</u>	
	<u>1963</u>	<u>1964</u>	<u>1963</u>	<u>1964</u>
First Year	114	125	77	74
Second Year	94	96	44	50
Third Year	78	91	44	40
Fourth Year			49	34
Graduate & Auditors	28	29	28	22
Totals	<u>314</u>	<u>341</u>	<u>242</u>	<u>220</u>

Although tuition costs increased from \$800 to \$1000 for the regular session, the number of applications and registrations increased. We have been especially pleased with the results of a more intensive recruiting campaign both from colleges and universities in the immediate area and from the country as a whole.

Appendix B reflects the profile of the class of 1967. It is important to note that this entering class represented 15 states and 62 colleges and universities. Their mean score on the Law School Aptitude Test was 533 (66th percentile) in the Day Division and 523 (62d percentile) in the Evening Division, and their mean score on college work was 2.58 (on a 4.0 scale) in the Day Division and 2.58 (on a 4.0 scale) in the Evening Division.

### VIII. *Alumni Relations, School of Law Development Fund, Student Aid*

Probably in no other educational discipline is the relationship so important between the institution and its alumni as it is in the case of a law school. The very nature of the legal profession requires the highest degree of cooperation between the student lawyer and members of the bench and bar in their common allegiance to their professional home. Alumni not only provide the source of important financial assistance which is the margin of excellence in legal education but they provide assistance in a variety of ways, all vital to the Law School's operation: they can be the most effective recruiters for good students among their friends and associates; they provide a continuing flow of information regarding excellent opportunities in the law; they teach in specialized areas and serve on panels and programs sponsored by the School; and they render valuable advice in keeping the School abreast of developments in the legal profession.

During the year, we increased our efforts to involve our alumni and the legal profession generally more deeply in our operation. The annual reception for alumni following the football game on the Homecoming Weekend is becoming a significant tradition. Quite a large number of local and out-of-town alumni and faculty attended this event on November 7, 1964, at the Chaparral Club in the Southland Center.

On May 19, 1965, an unusually high percentage of the alumni of the classes of 1928 through 1942 attended a reception at the School for the unveiling of a portrait of Professor William Alexander Rhea by the Dallas artist, Mr. Edward Bearden. Representatives of the classes who were students of Judge Rhea related humorous and poignant anecdotes about this much-loved teacher who served the School so faithfully until his death in 1941.

Under the able leadership of Mr. Jess Hay, President of the Law Alumni Association, an intensive campaign was organized for increased financial support of the School of Law Development Fund. A detailed report of the Fund for 1964-

1965 was recently mailed to alumni and friends reflecting total gifts of about \$73,000 received during the year. This has made possible financial assistance for students and the strengthening of student programs which enrich and enliven the professional and academic life. What is especially important is the generous response of nonalumni and business organizations who have expressed by their gifts a confidence in the importance of quality education in law for this area.

The competition for good students is extremely rigorous in private and state law schools alike. This fact together with the rising costs of legal education effects a heavier demand on resources allocated for student aid.

During the year 1964-1965, scholarships awarded in the undergraduate divisions totaled \$43,628.25. Loan balances from students as of June 30, 1965, were approximately \$200,000. The Law School now processes all loans through the arrangement with United Student Aid Funds, Inc. adopted last year.

Fellowships granted to graduate students for tuition, board, room, books, and other stipends were \$29,726.35.

## IX. *Scholarly Journals*

Two scholarly journals, the *Southwestern Law Journal* and the *Journal of Air Law and Commerce* are edited at the School. These journals contain articles on a broad spectrum of legal subjects, comments of a more particular nature, and case and legislative notes on specific new developments in the law. These journals are distributed throughout the world and thus place our institution directly in contact with countless representatives of the profession, the judiciary, and legal education. Appendix A sets out the officers and members of the editorial boards of the two journals.

The Southwestern Legal Foundation edits the *Oil and Gas Reporter*, the offices of which are housed in Storey Hall, and the *Reporter* regularly employs student editors on its staff.

## *X. Legal Aid Clinic and Professional Responsibility Program*

Probably no other aspect of our Law School operation places us directly in communication with the lay and professional community around us as does the legal aid and legal clinic program.

The Law School was one of twenty institutions selected by the National Council on Legal Clinics to receive a \$42,000 grant over a three year period to extend and expand legal services to the indigent and to emphasize through seminars in professional responsibility the claims that are made on the lawyer to observe the highest ideals of his profession in serving those unable to help themselves. A second legal clinic office was opened and operated for its first full year. Additional projects under the Federal Criminal Justice Act and in conjunction with law enforcement have been initiated so that the program now provides an impressive array of opportunities for acquiring practical experience and developing a social conscience about the role of the lawyer in contemporary society.

During the year, an evaluation of the program was made by Professor Ralph Brown of the Yale Law School. This evaluation was most complimentary of the work of the Clinic. Copies of this report were mailed earlier to alumni and friends for their information.

## *XI. Moot Court Program*

In the Moot Court Competition this year, two teams represented the School: one at the regular regional competition in New Orleans, and another in connection with the regional meeting on international law sponsored by the American Society of International Law, the Section of International Law of the American Bar Association, and the Law Schools of Southern Methodist University and the University of Texas.

Appendix A sets out the participants in these competitions.

## XII. *Placement*

The School makes available to graduating seniors and graduate students an ever-widening field of excellent opportunities in every branch of the profession. In addition, we continue to cooperate with law firms, courts, and the offices of corporate counsel in placing second year students in the highly successful summer internship program. We have been especially pleased to observe the increasing number of students who are accepting appointments with the federal and state courts, departments and agencies of the federal and state governments, and who are pursuing graduate studies in law.

## XIII. *The Robert G. Storey Lecture*

In the fall of 1964, the Law School Faculty adopted a resolution to establish an annual lecture in honor of the Dean Emeritus and President of the Southwestern Legal Foundation, Dr. Robert G. Storey. Professor Paul A. Freund of the Law School of Harvard University was the first lecturer. Professor Freund spent the day of Monday, April 5, with us. He was received at a morning coffee by the faculty, later participated in an informal dialogue at a luncheon meeting with a select group of students, and in the evening delivered a paper entitled "The Supreme Court in Contemporary Life" to a large audience in the Umphrey Lee Student Center representing a cross section of the business and professional community. This paper was subsequently reproduced and distributed to alumni and friends as one of the occasional papers of the School.

## XIV. *University Administration*

The Law School Committee of the Board of Trustees met with the Dean at the regular May and November meetings of the Board. The interest and concern of the members of the Committee are of vital importance to the School, both in interpreting the needs of the School to the whole Board and in representing the School before its various publics.

The Board of Visitors met on February 17, 1965, for an all day briefing on the Law School operation. The spirit with which the Board entered upon its duties was most impressive. Members of the faculty having special responsibilities briefed the Board on admissions, curriculum, graduate studies, law journals, library, moot court, legal aid, the summer internship program, and placement. The Board attended a luncheon with a group of student leaders and in the evening had dinner with the entire faculty.

Appendix C sets out the names of the Law School Committee, the Board of Visitors, and the Law Alumni Association.

As we enter upon the forty-first year of the School of Law and the fifty-first of the University, the entire Law School family joins me in expressing to the University administration, the Board of Trustees, alumni, and friends our appreciation for your assistance in maintaining a School of Law of first quality. We ask your continued counsel as we seek even greater achievements for the School in the months and years ahead.

Appendix D is a statement of the Dean delivered at the Convocation of the School of Law on September 20, 1965.

Respectfully submitted,

Charles O'Neill Galvin  
*Dean*

Fall, 1965

## *Appendix A*

Class of 1965, honors and awards, student activities and organizations for the year 1964-1965

### 1. Class of 1965

#### *a. Degree of Bachelor of Laws*

*August 28, 1964*

David Allen MacLaughlin  
B.A., Coe College  
M.B.A., Wharton Graduate Division,  
University of Pennsylvania

James McPike Raines  
B.A., Lamar State College of Technology  
James Peyton Wagner  
B.A., Texas Technological College

*January 19, 1965*

Timothy Michael Carr  
B.A., University of Dallas  
Leslie Charles Cook  
A.A.S., Garden City Junior College  
B.A., University of Dallas  
Kim Kyle Day, Jr.  
B.S., West Texas State College  
M.Ed., West Texas State College  
Robert Harold English  
B.A., Arlington State College  
B.A., Southern Methodist University  
Herbert H. Green, Jr.  
B.B.A., Southern Methodist University

René Earl Grossman  
B.S., Tulane University  
M.S., Michigan State University  
Jerry Scott Hughes  
B.F.A., Texas Christian University  
Tom Joseph Keene  
B.B.A., Southern Methodist University  
Arch Elton Pardue, Jr.  
B.B.A., The University of Texas  
Patrick Allen Robertson  
B.B.A., Texas Agricultural and  
Mechanical University

*May 30, 1965*

Jerry Wayne Adkins  
B.A., Southern Methodist University  
Glenn Harvey Antrim  
B.A., Simpson College  
Frank Kenneth Bateman, Jr.  
B.S., Oklahoma State University  
John William Beeman  
B.B.A., Abilene Christian College  
Jane Bergstrom  
B.S., University of Oklahoma  
Robert Max Blackmon  
A.A., Del Mar Junior College  
B.A., Southern Methodist University  
William Carl Block  
B.S., McMurry College  
James Warren Brennan, Jr.  
B.B.A., Southern Methodist University  
James Rodney Brister  
B.A., Southern Methodist University  
Jerry Dean Cain  
B.A., The University of Texas  
James William Cardwell  
B.A., Texas Agricultural and  
Mechanical University  
Ronald Wayne Chapman  
B.A., Southern Methodist University

Steven Franklin Chapman  
B.B.A., Southern Methodist University  
Paul Jackson Chitwood, Jr.  
B.A., Southern Methodist University  
David Barham Christian  
B.S., University of North Carolina  
Daniel Penn Closser, Jr.  
B.A., Southern Methodist University  
James Warren Curlee  
B.S., Texas Christian University  
Hubert Neil Davidson  
B.M., North Texas State University  
M.M., North Texas State University  
Mark Louis Delk  
B.B.A., The University of Texas  
Robert Lionel Dillard, III  
B.B.A., Southern Methodist University  
James Stephen Dycus  
B.A., Southern Methodist University  
Robert Thomas Edge  
B.B.A., Texas Agricultural and  
Mechanical University  
Frank Lawrence Ehrle, Jr.  
B.A., McMurry College  
Charles H. Erwin  
B.B.A., Southern Methodist University



- James Clayton Fails  
B.S.Ch.E., Texas Agricultural and Mechanical University  
M.S.Ch.E., Texas Agricultural and Mechanical University
- David Lewis Fair  
B.A., Southern Methodist University
- John Purdy Falconer, Jr.  
B.B.A., Southern Methodist University
- Charles Alan Ferguson  
B.A., Southern Methodist University
- Oliver Bradley Freeman  
B.A., Southern Methodist University
- Michael Terrell Garrett  
B.B.A., Texas Technological College
- Robert Charles Gist  
B.A., Southern Methodist University
- Gayle E. Feldman Goldstrich  
B.A., Southern Methodist University
- Ray Allen Goodwin  
B.A., Hendrix College
- William Michael Guckian  
B.S., The University of Texas
- Kenneth Ray Guest  
B.S., Washington University
- William Robert Gutow  
B.B.A., Southern Methodist University
- Ralph Henry Harris, III  
B.A., Tulane University
- Hugh Glen Hart, Jr.  
B.A., Southern Methodist University
- Donald Dean Harvey, Jr.  
B.S., Texas Wesleyan College
- Woodfin Cullum Henderson  
B.A., Southern Methodist University
- Arthur Edward Hewett  
B.B.A., Southern Methodist University
- John DeLano Hill  
A.A., Frank Phillips College  
B.A., West Texas State College  
M.A., West Texas State College
- Joseph MacGlashan Hill, Jr.  
B.B.A., The University of Texas
- Walter Carroll Holloway, IV  
B.B.A., Southern Methodist University
- James Walter Huff, Jr.  
B.B.A., Southern Methodist University  
M.B.A., Southern Methodist University
- David Jesse Johnson  
B.S., University of Wisconsin
- Joe Wayne Johnson  
B.A., Southwestern University
- John Richard Johnson  
B.A., Southern Methodist University
- William Erby Johnson, Jr.  
B.A., North Texas State University
- Forrest Lee Jones  
B.B.A., Southern Methodist University
- Jack Alton Kanz  
B.S., Southern Methodist University
- James Wallace Kerr, Jr.  
B.A., Texas Christian University
- LeGrand Carney Kirby  
B.B.A., Southern Methodist University
- Paul Klatsky  
B.A., Southern Methodist University
- Robert Bruce LaBoon  
B.B.A., Texas Christian University
- James Theodore Lamb, Jr.  
B.A., University of Denver
- Philip Larmon, Jr.  
B.B.A., Southern Methodist University
- John Widney Lodewick  
B.A., Southern Methodist University
- Savage Mark Lovell  
B.A., Baylor University
- Jerry Francis McCarty  
A.A., Paris Junior College  
B.S., East Texas State College
- James L. Martin  
B.B.A., East Texas State College
- Joe Alvin Matthews  
B.B.A., Southern Methodist University
- Robert Gwynne Mebus  
B.B.A., Southern Methodist University
- James Alton Mills, Jr.  
B.B.A., Southern Methodist University
- Franklin D. Moore  
B.S.M.E., Texas Technological College
- Fred DeArmond Moore  
B.A., North Texas State University  
M.A., North Texas State University
- Joe Scott Morris  
B.A., Rice University
- Terence James Murphy  
B.S., University of Notre Dame
- Norman Lowe Nelson  
B.B.A., Southern Methodist University
- Erle Allen Nye  
B.S.E.E., Texas Agricultural and Mechanical University
- Diamond James Pantaze  
B.S., Northwestern University
- William Barton Pasley  
B.A., Southern Methodist University
- Drew Pechacek  
B.B.A., Southern Methodist University
- Joseph Aloysius Pitner  
B.B.A., Southern Methodist University
- Fred Milton Purnell  
B.A., Southern Methodist University
- Michael Wayne Ramsey  
B.A., Southern Methodist University
- Joe Tom Renner  
B.B.A., Southern Methodist University
- Robert Earl Richardson, Jr.  
B.S., Austin College
- Joseph Robert Riley  
B.A., Southern Methodist University
- Tom Harold Satterwhite  
B.A., Southern Methodist University
- Lee Meyer Schepps  
B.S., Union College
- C. L. Schmidt, Jr.  
B.A., Southern Methodist University
- Winfield William Scott  
B.A., Southern Methodist University
- Larry Zane Sechrist  
A.A., Kilgore College  
B.B.A., Stephen F. Austin State College
- Mary Coleen Terrill Sewell  
B.A., Southern Methodist University
- Virgil Lawrence Sewell  
B.A., Rice University  
B.S.E.E., Rice University

Mary-Michaelle Shattuck	Tom McCullough Strother
B.B.A., Southern Methodist University	B.B.A., Southern Methodist University
James Warren Shoecraft	Wallace Martin Swanson
B.A., Southern Methodist University	B.A., University of Minnesota
Gerald Lee Skor	Wilfred Eddie Tubre
B.S., Drake University	B.B.A., Southern Methodist University
Jerry Don Smart	Ronald Windle Turley
B.A., University of Oklahoma	B.A., Oklahoma City University
B.B.A., Southern Methodist University	Paul Francis Vernon
B.D., Southern Methodist University	B.A., University of Oklahoma
Alva Eugene Smith	John Rufus Wallingford
B.B.A., Southern Methodist University	B.A., University of the South
Dane Hansford Smith	Linda Kay West
B.A., The Citadel	B.A., The University of Texas
John Murry Stephenson, Jr.	Martin Roger Whitehurst
B.A., Rice University	B.A., University of the South
Joseph Ward Stewart	Norman True Whitlow
B.A., Baylor University	B.B.A., The University of Texas
B.D., Southwestern Baptist	Jerry Bowen Williamson
Theological Seminary	B.A., Southern Methodist University
Don Edwin Stokes	Frederic Earl Zimring
B.B.A., Southern Methodist University	B.A., The University of Texas
Tom Jeffrey Stollenwerck	
B.B.A., Southern Methodist University	

*b. Degree of Master of Comparative Law*

*May 30, 1965*

Charles Edward Cantu	Ewald Paul Philipp Metzler
B.B.A., The University of Texas	LL.B., School of Law, Phillips-
LL.B., St. Mary's School of Law	Universitaet, Marburg (Lahn), Germany
Edward Wei-I Chen	Toshiaki Nakahara
B.A., National Chengchi University,	LL.B., Chuo University Law School,
Taiwan, Republic of China	Tokyo, Japan
LL.B., National Taiwan University,	Enrique Perales-Jasso
Taiwan, Republic of China	LL.B., Facultad de Derecho, Universidad
M.A., National Chengchi University,	Nacional Autónoma de Mexico
Taiwan, Republic of China	Sergio Rodriguez-Restrepo
Panlop Chotileka	Doctor en Derecho, Universidad
LL.B., Thammasat University,	Javeriana, Bogotá, Colombia
Bangkok, Thailand	Gilson Freitas de Souza
Ivy Chua Leng Eng	LL.B., Pontificia Universidade Catolica
LL.B., The University of Singapore,	do Rio de Janeiro, Brazil
Malaysia	Yukuzo Yamasaki
Frank Patrick Hernandez	LL.B., The University of Tokyo, Japan
B.A., Texas Agricultural and	Mohamed Aziz Zarah
Mechanical University	LL.B., Law School of Cairo University,
LL.B., Southern Methodist University	Egypt
Mumtaz Ahmed Khan	
B.A., Sind Muslim Law College,	
Karachi, West Pakistan	
LL.B., Sind Muslim Law College,	
Karachi, West Pakistan	

*c. Certificate in Comparative Law*

*May 30, 1965*

Alfonso Elias Vallarino  
LL.B., Universidad Nacional Mayor de  
San Marcos, Lima, Peru

d. *Degree of Master of Laws*

*January 19, 1965*

James Tankersley Fitzpatrick

B.B.A., Southern Methodist University

LL.B., Southern Methodist University

Thesis: "Federal Record Keeping and Reporting Requirements Applicable to the Oil and Gas Industry"

and

"Unjust Enrichment in Informal Oil and Gas Transactions"

Thomas Keith Jenkins

B.A., Ohio Wesleyan University

LL.B., Ohio Northern University

Thesis: "Tax Consequences To Shareholders In Divisive Reorganizations"

Roger Roy Scott

B.A., The University of Texas

LL.B., The University of Tulsa

Thesis: "Underground Storage of Natural Gas — A Study of Legal Problems"

*May 30, 1965*

Norvell Kenneth Scott, Jr.

B.A., The University of Tulsa

LL.B., The University of Tulsa

Thesis: "Federal Certificate Regulation of Producer Gas Sales: Initial Rates and Related Problems"

## 2. Honors and awards

### a. *Order of the Woolsack*

(Selected March 5, 1965)

James W. Cardwell  
John F. Falconer, Jr.  
Robert C. Gist  
John R. Johnson  
R. Bruce LaBoon  
Philip Larmon, Jr.  
J. Scott Morris  
John M. Stephenson, Jr.  
Don E. Stokes  
Wallace M. Swanson  
J. Rufus Wallingford  
Linda K. West

### b. *Prizes and awards*

Goldberg and Alexander Award-  
James W. Cardwell

Burleson Criminal Law and Procedure Award of Merit-  
Eldon L. Youngblood

Russell Baker Moot Court Awards-  
David E. Pickett,  
Thomas W. Armstrong

Southwestern Legal Foundation Award-  
Monteith Inn, Phi Delta Phi

Bureau of National Affairs Award-  
Arthur E. Hewett

Texas Association of Defense Counsel Award-  
Terry S. Stanford

Texas Association of Plaintiffs' Attorneys Award-  
James T. Lloyd

Thompson, Knight, Wright and Simmons Award-  
Reba G. Rasor

*The Wall Street Journal* Award-

John P. Falconer

Wynne, Jaffe and Tinsley Moot Court Awards-

Ronald W. Turley

George W. Bramblett, Jr.

West Publishing Company and

Vernon Law Book Company Award-

John R. Johnson

Kilgore & Kilgore Award-

David G. McLane

Johnson, Bromberg, Leeds and Riggs Award-

Robert C. Gist

Turner, Atwood, Meer and Francis Awards-

John L. Primmer

Don E. Williams

*Journal of Air Law and Commerce* Awards

Ray A. Goodwin

Edward A. Peterson

Lawyers Title Insurance Co. Award-

Robert C. Gist

Kappa Beta Pi Award-

J. Stephen Dycus

Barrister Award-

Robert G. McCain, III

Carrington, Johnson and Stephens Award-

Robert G. McCain, III

Phi Alpha Delta Scholarship Award-

Neven M. Kensel

Dallas Lawyers Wives Club Award-

Robert C. Gist

The Thomas Jefferson Prize in Legal Ethics-

John P. Falconer

John R. Johnson

R. Bruce LaBoon

### 3. Student activities and organizations

#### *a. Student Bar Association*

<i>President</i>	Winfield W. Scott
<i>Vice President</i>	James P. Barklow
<i>Secretary</i>	Ronald L. Clower
<i>Treasurer</i>	James R. Ormesher

#### *Representatives:*

First-Year Day Division	David E. Pickett Robert M. Tolleson
Second-Year Day Division	James P. Barklow Marcus D. Taylor
Third-Year Day Division	J. Stephen Dycus John M. Stephenson
First-Year Evening Division	A. Hardcastle
Second-Year Evening Division	Walter J. Humann
Third-Year Evening Division	Don T. Bullock Steve G. McDonald
Fourth-Year Evening Division	Joe A. Matthews Paul J. Chitwood, Jr.

#### *b. Southwestern Law Journal*

<i>Editor-in-Chief</i>	John R. Johnson
<i>Managing Editor</i>	James W. Brennan
<i>Leading Articles Editor</i>	Wallace M. Swanson
<i>Notes and Developments Editor</i>	Robert C. Gist
<i>Comments Editor</i>	John M. Stephenson
<i>Research Editor</i>	J. Scott Morris
<i>Business Manager</i>	Arthur E. Hewett
<i>Recent Decisions Editor</i>	R. Bruce LaBoon
<i>Associate Editors</i>	Reba G. Rasor James W. Cardwell Michael T. Garrett
<i>Board Member</i>	Tom J. Stollenwerck

*c. Journal of Air Law and Commerce*

<i>Editor-in-Chief</i>	Professor Howard J. Taubenfeld
<i>Student Editor</i>	Ray A. Goodwin
<i>Assistant Editors</i>	Philip Larmon, Jr. Larry J. Miller Lee M. Schepps
<i>Staff Members</i>	James E. Barnett, Jr. John R. Bauer George W. Bramblett, Jr. James T. Lloyd John E. McFall Rodney D. Moore Edward A. Peterson Charles A. Thompson

*d. The Legal Clinic*

<i>Chief Counsel</i>	J. Stephen Dycus
<i>Associate Chief Counsel</i>	James A. Mills

*e. Lawyers Inn Advocate Staff*

<i>Chief Justice</i>	Dwight L. Stubblefield
<i>Assistant Chief Justice</i>	Lewis H. Albright
<i>Secretary-Treasurer</i>	Gerald W. Ostarch

*Representatives:*

First Year	Frank H. Serene
Second Year	James W. Campbell
Third Year	Robert M. Blackmon

*f. Barristers*

<i>Lord Chief Baron</i>	Robert C. Gist
<i>Lord Baron</i>	Arthur E. Hewett
<i>Scrivener</i>	R. Bruce LaBoon
<i>Sergeant-at-Arms</i>	James W. Brennan

*g. Moot Court Team*

George W. Bramblett, Jr.  
George L. Orndoff  
Ronald W. Turley

*h. International Law Moot Court Team*

J. Rodney Brister  
A. Hardcastle  
George L. Orndoff

*i. Phi Alpha Delta Fraternity*

<i>Justice</i>	Drew Pechacek
<i>Vice Justice</i>	Woodfin C. Henderson
<i>Secretary</i>	David G. McLane
<i>Treasurer</i>	William C. Block
<i>Parliamentarian</i>	Gene W. Francis
<i>Social Director</i>	Lee M. Schepps
<i>Rush Chairman</i>	John P. Falconer

*j. Phi Delta Phi Fraternity*

<i>President</i>	Charles M. Solomon
<i>Clerk</i>	John R. Bauer
<i>Exchequer</i>	Don T. Bullock
<i>Historian</i>	George W. Bramblett

*k. Delta Theta Phi Fraternity*

<i>Dean</i>	Terence J. Murphy
<i>Vice Dean</i>	James W. Curlee
<i>Tribune</i>	Ronald L. Wilkinson
<i>Treasurer</i>	Ray A. Goodwin

*l. Kappa Beta Pi Sorority*

<i>Dean</i>	Jane Bergstrom
<i>Associate Dean</i>	Mary Colleen Terrill Sewell
<i>Registrar</i>	CaMille A. Bruce
<i>Chancellor</i>	Lauralee F. Friis
<i>Marshall</i>	Linda K. West



## Appendix B

### Faculty Bibliography and Activities, 1964-1965

#### 1. Bibliography

Baernstein, Saul W. *On Rethinking the System of Compensation of Defense Counsel in Criminal Cases*, 43 TEXAS L. REV. 344 (1965).

Review: TREBACH, THE RATIONING OF JUSTICE, 43 TEXAS L. REV. 429 (1965).

Barber, Richard J. *Windfall For Conspiracy*, The Nation, November 9, 1964, p. 332.

Bromberg, Alan R. *Texas Exemptions for Small Offerings of Corporate Securities*, 18 SW.L.J. 537 (1964).

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MATERIALS ON CORPORATE SECURITIES AND FINANCE: A GROWING COMPANY'S SEARCH FOR FUNDS (1964).

SUPPLEMENTARY MATERIALS ON TEXAS CORPORATIONS (1965 Revision).

Charmatz, Jan P. SYLLABUS AND CASES FOR INTRODUCTION TO CIVIL PROCEDURE (2d revised edition 1964).

FitzGerald, John L. Comments to the Senate Subcommittee on S. 1663, *Hearings Before the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee*, 88th Cong., 2d Sess., 665-671 (1964).

*Adoption of Federal Power Commission Price-Changing Rules Without Evidentiary Hearing: Statutory Collision*, 18 SW.L.J. 236 (1964).

*Trends in Federal Agency Procedure*, 19 SW.L.J. 239 (1965).

REPORT, COMMITTEE ON ORDINANCES AND ADMINISTRATIVE REGULATIONS, LOCAL GOVERNMENT LAW SECTION, AMERICAN BAR ASSOCIATION, LOCAL GOVERNMENT LAW SERVICE LETTER 51 (Comm. Reports Supp., December 1964).

Flittie, William J. 1964 POCKET PARTS TO SUMMERS, OIL & GAS.

Galvin, Charles O. *Another Look at Sharing Arrangements — Some Drafting Suggestions*, SOUTHWESTERN LEGAL FOUNDATION SIXTEENTH ANNUAL INSTITUTE ON OIL AND GAS LAW AND TAXATION 453 (1965).

*Progress in Substantive Tax Reform; Work of the American Bar Association; Treasury Studies; What Tax Practitioners Can Do*, UNIVERSITY OF SOUTHERN CALIFORNIA SEVENTEENTH ANNUAL TAX INSTITUTE 1; 18 ARK. L. REV. 285 (1965); TEXAS TECH. TAX INST. 91 (1964).

*Operations for Private Benefit*, A.L.I. AND A.B.A. JOINT COMMITTEE ON CONTINUING LEGAL EDUCATION, CONFERENCE ON CHARITABLE ORGANIZATIONS 80 (Study outline, 1965).

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- McKnight, Joseph W. *San Saba Mission, Fully Restored*, 50 SW. REV. 315 (1965).  
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 (With Eugene L. Smith) PROBLEMS IN PROFESSIONAL RESPONSIBILITY (1965).
- Ray, Roy R. TEXAS LAW OF EVIDENCE, 2 vol. (1965 Supplement).  
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- Smith, Eugene L. (With Joseph W. McKnight) PROBLEMS IN PROFESSIONAL RESPONSIBILITY (1965).
- Taubenfeld, Howard J. (With Rita Taubenfeld) MAN IN SPACE: POLITICS, LAW, ORGANIZATION (Arnold Foundation Monographs, S.M.U. 1964).  
 (With Rita Taubenfeld) CONTRIBUTORS AND ASSOCIATES (Carnegie Endowment Study of Apartheid and the United Nations 1965).
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- VanDercreek, William Revision editor, Vol. 2, 1965 POCKET PARTS, McDONALD'S TEXAS CIVIL PRACTICE.
- Webster, Charles W. SUPPLEMENTARY MATERIALS ON LABOR LAW (1964).
- Wren, Harold G. *The Widow's Election in Community Property States*, 7 ARIZ. L. REV. 1 (1965).  
*How to Handle Annuities Under the Tax Law*, P-H TAX IDEAS, ¶ 27,502 (1965).

## 2. Activities

- Baernstein, Saul W. Assistant Director, Legal Aid Clinic;  
 Member, Criminal Law Section of State Bar of Texas; Committee on Criminal Law of Dallas Bar Association; Criminal Law and Procedure Section of State Bar of Texas; Board of Directors, Dallas County Community Action Corporation; Legal Services Committee of Dallas County Community Action Corporation; Defender Committee of National Legal Aid and Defender Association; Special Committee of Dallas Bar Association for Expansion of Legal Aid Services; Delegate to Dallas Council of Social Agencies;  
 Reporter to Advisory Committee on Pre-Trial Proceedings of the American Bar Association Project on Minimum Standards for Criminal Justice.

Barber, Richard J.

Visiting Associate Professor, Yale Law School

Bromberg, Alan R. Chairman, Committee on Curriculum;

Faculty Adviser, *Southwestern Law Journal*;

Member, Committee on Library; Committee on Legal Aid; Program Committee, Graduate Council of the Humanities; Steering Committee, McFarlin Project on Public Responsibility of the University; Committee on Corporate Law Revision, State Bar of Texas;

Chairman, Committee on Securities and Investment Banking, State Bar of Texas; Executive Committee, University College Council;

Vice-Chairman, Committee on Information, Section of Corporation, Banking and Business Law, State Bar of Texas; Section of Corporation, Banking and Business Law, State Bar of Texas;

Lecturer, Dallas Bar Association, Corporate Counsel Section of Dallas Bar, and Seminar for Residents of Psychiatry, University of Texas, Southwestern Medical School.

Barrister Award

Charmatz, Jan. P. Member, Committee on Library; Committee on Graduate Studies; University Graduate and Professional Council; Committee on Interchange of Jurists, American Bar Association; Board of Editors, *American Journal of Comparative Law*

Lecturer, International Faculty of Comparative Law, Luxembourg; Academy of American Law, Southwestern Legal Foundation; Faculty of Law, National Autonomous University of Mexico, Mexico D.F.

Researcher, Max-Planck Institute, Hamburg

Craig, James R. Member, Committee on Scholarships and Loans; University Committee on Convocations; University Advisory Committee on Electronic Data Processing

Davis, Harvey L. Director, Moot Court Program

Member, University Senate; Committee on Scholarships and Loans; Committee on Academic Freedom and Tenure; Executive Committee, S.M.U. Chapter, American Association of University Professors; Texas Professors Advisory Committee on Uniform Commercial Code; Speakers Bureau of Analysis of Uniform Commercial Code

Chairman, Committee to Prevent Unreasonable Interest Rates

FitzGerald, John L. Member, Committee on Admissions; Board of Consultants, Senate Subcommittee on Administrative Practice and Procedure for the revision of the Administrative Procedure Act; Advisory Committee on Housing and Home Finance Agency Staff Legal Services; Administrative Law Committee, American Association of Law Schools; Council of the Administrative Law Section, American Bar Association; Committee on Graduate Studies

Flittie, William J. Member, Board of Editors, *Oil and Gas Reporter*; Committee on Graduate Studies;

Lecturer, Southwestern Legal Foundation

Galvin, Charles O. Member, University Senate; University Planning Council; Council of Deans; Council of the Section of Taxation, American Bar Association; Advisory Group, American Law Institute, Estate and Gift Tax Project; Southern Regional Advisory Council, Institute of International Education; Advisory Staff of Commissioner of

Internal Revenue; Committee on Law Schools of World Peace Through Law Center; Board of Editors, *Oil and Gas Reporter*;

Chairman, Special Committee on Substantive Tax Reform, Section of Taxation, American Bar Association; Taxation Round Table, Association of American Law Schools;

Lecturer, Southwestern Legal Foundation

Harding, Arthur L. Member, Committee on Graduate Studies;  
Chairman, University Senate; Committee on Law Library;  
Secretary, S.M.U. Chapter of Phi Beta Kappa

Larson, Lennart V. On Sabbatical leave, Fall Semester, 1964; Member, University Senate; University Planning Council; Committee on Current Literature Relating to Real Property, Section on Real Property, Probate, and Trust Law, American Bar Association

Chairman, Committee on Admissions

Director, Placement Service

Secretary-Treasurer, Section on Labor Law, State Bar of Texas

McKnight, Joseph W. Member, University Senate; Committee on Rhodes Scholarships; Committee on Convocations; Committee on Curriculum; Board of Directors, National Legal Aid and Defender Association; Committee on Probate Administration, Section of Real Property, Probate, and Trust Law, American Bar Association; Board of Editors, American Society for Legal History; Lawyer Referral Service Committee, Dallas Bar Association; Committee on Legal Aid Clinic

Vice President, S.M.U. Chapter of Phi Beta Kappa

Vice Chairman, Committee on Student Activities and Organizations

Chairman, Committee on History of the Legal Profession, Association of American Law Schools

Co-Chairman, Legal History Round Table, Association of American Law Schools

Director, Legal Aid Clinic

Delegate, Attorney General's Conference on Law and Poverty

Lecturer, Legal Institutes, Central Texas and Dallas Junior Bar Associations

Ray, Roy R. Chairman, Committee on Scholarships and Loans

Member, Committee on Continuing Legal Education, State Bar of Texas; Committee on Academic Freedom and Tenure, Association of American Law Schools; Board of Advisors, The Comparative Study of the Administration of Justice (Ford Foundation project); Board of Trustees, Southern Methodist University Retirement Plan

Smith, Eugene L. Assistant Director, Legal Aid Clinic

Member, Committee on Administration of Justice, State Bar of Texas; University Senate

Taubenfeld, Howard J. Editor-in-Chief, *Journal of Air Law and Commerce*

Member, Committee on Graduate Studies; Committee on Space Law and Sociology of American Institute of Aeronautics and Astronautics

- Secretary and Director, International Institute of Space Law
- Reporter, American Bar Foundation project, Laws of Outer Space
- Vice Chairman, Committee on International Law in the Courts of the United States, Section of International Law, American Bar Association
- Professor, Association of American Law Schools Orientation Program in American Law, Princeton, Summer 1965
- Project Director and Principal Investigator, National Science Foundation on Legal Aspects of Weather Modification, 1965
- Chairman, Regional Meeting, Amer. Soc. Int'l. (Spring, 1965)
- Thomas, A. J., Jr. Representative, Conference of Latin American Deans, Inter-American Bar Association, Puerto Rico, May 1965
- Vice Chairman, Committee on Constitutional Law, Texas Bar Association
- Chairman, Committee on International Legal Problems, Texas Bar Association
- VanDercreek, William Member, Committee on Admissions; Section on Judicial Administration, American Bar Association
- Assistant Director, Moot Court Program
- Reporter, Texas Conference on Judicial Selection, Tenure, and Administration
- Director, Practice Court
- Adviser, Legal Aid Clinic
- Webster, Charles W. Member, Texas Council on Administration of Justice; Labor Law Advisory Committee, Southwestern Legal Foundation; Drafting Committee, "Juvenile Courts, Jurisdiction — Delinquent Children," Chapter 577 of Texas Laws; National Academy of Arbitrators
- Wimbish, Moss Member, Committee on Legal Aid Clinic
- Lecturer, Southwestern Police Academy
- Wren, Harold G. Chairman, Fourth Annual Wills and Probate Institute, Southwestern Legal Foundation; Committee on Small Estates, Section of Real Property, Probate and Trust Law, American Bar Association
- Director, Short Course in Wills, Probate, Trusts and Estate Planning, Southwestern Legal Foundation
- Member, Council of Real Property, Probate and Trust Law Section, State Bar of Texas
- Acting Chairman, Committee on Graduate Studies

## *Appendix C*

Law School Committee of the Board of Trustees;  
Board of Visitors; Law Alumni Association

### *1. Law School Committee*

Mr. Gerald C. Mann, Dallas, Texas, Chairman  
Mr. Wilton Fair, Tyler, Texas  
Mr. Ross Malone, Roswell, New Mexico  
Dr. E. Loyal Miles, Winfield, Kansas  
The Honorable Alfred P. Murrah, Oklahoma City, Oklahoma  
Mr. Harry A. Shuford, St. Louis, Missouri  
Mr. James H. Wiseman, Searcy, Arkansas

### *2. Board of Visitors*

#### *Three Year Term*

Clovis G. Chappell, Jr., Midland, Texas  
Dean Dunlap, Amarillo, Texas  
Eugene Jericho, Dallas, Texas  
James A. Kilgore, Dallas, Texas  
Sam A. Winstead, Dallas, Texas

#### *Two Year Term*

The Honorable James L. Noel, Jr., Houston, Texas  
Talbot Rain, Dallas, Texas  
Robert F. Ritchie, Dallas, Texas  
Walter M. Spradley, Dallas, Texas  
Percy D. Williams, Houston, Texas

#### *One Year Term*

Harry L. Bigbee, Santa Fe, New Mexico  
Jess T. Hay, Dallas, Texas  
Wiley Johnson, Dallas, Texas  
The Honorable Charles E. Long, Jr., Dallas, Texas  
Walter H. Magee, Dallas, Texas

### *3. Law Alumni Association*

*President* Jess T. Hay, '55, Dallas, Texas

*Vice President* Floyd W. Addington, '55, Jasper, Texas

#### *Directors:*

*(to serve until 1967)*

E. Taylor Armstrong, '31, Dallas, Texas

Eugene S. Jericho, '49, Dallas, Texas

Robert K. Pace, '56, Wichita Falls, Texas

William M. Steger, '50, Tyler, Texas

Walter P. Zivley, '53, Houston, Texas

*(to serve until 1966)*

James T. Blanton, '58, Fort Worth, Texas

William B. Browder, '36, Midland, Texas

Frank D. Devereux, '29, Tyler, Texas

William B. Nance, '52, Tulsa, Oklahoma

Benjamin E. Pickering, '54, Washington, D.C.

*(to serve until 1965)*

Samuel E. Daugherty, '50, Dallas, Texas

Jess T. Hay, '55, Dallas, Texas

W. Drake McKee, '33, Dallas, Texas

Robert H. Thomas, '57, Dallas, Texas

Richard S. Whitesell, Jr., '56, Dallas, Texas

## *Appendix D*

Statement of the Dean delivered at the Law School  
Convocation on Monday, September 20, 1965

*Mr. Chairman, Distinguished Guests, Members of the Faculty,  
Ladies and Gentlemen:*

To those of you who are returning to the Law School for the continuation of your studies, we extend a most cordial welcome home. To those of you who are entering the study of law for the first time, we extend our best wishes as you cross the threshold into a noble, ancient, and honorable profession. Most lawyers find that law school friends are the closest and most cherished that they have; therefore, you have the opportunity here not only of achieving a professional competence but also of acquiring personal and lasting friendships as part of your experience together.

Southern Methodist University officially opened in the fall of 1915 and granted its first degrees in the spring of 1916. Therefore, the class of 1965 was the fiftieth class of the University. On the occasion of President Tate's Commencement remarks last May 30, he officially opened the University's Semi-Centennial Celebration to continue from that date through the date of Commencement, 1966. During this celebration year, there are planned many special occasions both in the University as a whole and in the Law School to call attention to our common commitment to intellectual enterprise and to our own particular professional calling.

This School of Law was opened in the fall of 1925, just ten years after the University began, and graduated its first class in 1928. Thus, the class of last June was the 38th law class. As I mentioned in my remarks at the Law School opening Convocation last year, as age and time are measured for academic institutions, a university marking its fiftieth class and a law school its thirty-eighth are quite junior members in the academic family. Yet, when one compares this institution with its elders who have faded brick and luxuriant ivy on their walls,



one may take pride in its maturity, a maturity which I believe is best demonstrated by an event which occurred last spring.

At the Fifty-First Annual Meeting of the American Association of University Professors in Washington last May, the Alexander Meiklejohn Award was presented to President Willis M. Tate for his role in the preservation of academic freedom. Professor Ralph Fuchs of the Indiana University Law School and General Counsel of the Association made the presentation of the award and pointed out that President Tate had said in 1955, some ten years ago, that "a university provides an atmosphere of freedom for its scholars — an atmosphere which is conducive to creativity. Here is the real power and strength of a university."

Certainly, President Tate has given leadership to make this conception of the role of a university a reality in this institution. In presenting the award, Professor Fuchs further commented that President Tate had conveyed the meaning of the academy of learning "without excitement, by explanation and by the persuasive force of careful analysis in the manner of all good teachers."

This event is the best evidence of the setting in which we find ourselves as we begin this academic year — a setting of freedom of inquiry and expression and of freedom in the creation of new ideas. As we celebrate this Semi-Centennial year, it is proper that we ask whether or not this Law School is contributing to the climate of creativity which President Tate has so aptly noted as the hallmark of a great institution.

Several objectives of legal education may be noted. The *first* is to train students to practice law. Law is a highly technical discipline concerned with rules, precepts, and codes of practice and procedure that must be learned and applied in real-life situations. Students should be taught to represent clients effectively in planning, in negotiation, and in litigation. But if this were all that we did, then our operation would be merely a vocational training school. There are other objectives equally as important. A *second* objective is concern for reform in the law — what the law ought to be as well as what it is. In this

respect, it is not enough to engage in theoretical speculation about these matters. There must be responsible action, and to this end law teachers and practitioners give their time in public service on commissions on uniform laws, committees that assist the legislators in drafting new statutes, and on legal research projects that provide thoughtful analysis of trends in the law in particular fields. The *third* objective is to inculcate within students a sensitivity about value judgments. These axiological considerations require that we test the law as it is and as it ought to be against some standard of goodness or badness. This standard may have a base in a natural law philosophy, in some utilitarian principle, in the cumulative effect of experience, or some other ethical system. We have an obligation to know and to understand various systems of values so that we may make judgments about the law rationally and not emotionally.

In the history of legal education in this country the *first* objective — the training in the technical discipline — has been the most emphasized. The *second* — the study of reform — and the *third* — the study of jurisprudence or legal philosophy — have been oftentimes slighted. Presently, however, the concerns of the organized bar about its own housecleaning, about ethics and professional responsibility, about each citizen's claim for adequate representation have brought us in confrontation with an array of problems relating to the second and third objectives. The law schools have an important role of leadership with respect to these matters, and I would hope that our concerns about them would pervade every aspect of our operation.

Lawyers have the responsibility, as much or more than any other group in the society, of preserving what we euphemistically call civilization. This is not pious prattling; it is the reality of what lawyers are all about. Well ordered societies with highly developed legal systems have been swept away in the past because the processes of the administration of justice faltered. We have the obligation here of maintaining a sensitive and sympathetic awareness of the problems of legislatures and of the courts. In this connection, consider, for example, the

work of a single session of Congress or a single term of the Supreme Court of the United States.

Congress is currently enacting or considering for legislation a number of bills affecting every sector of our national life. Years ago, Congress could meet, pass some laws, and every Congressman could expect to be home in early summer. Now, sessions run well into the fall, giving the members only a few weeks at home before convening again for the heavy work load of the session beginning in January. Lawmaking for a country with as complex society and with as many responsibilities in the world community as we have is a difficult business. But it is a business for lawyers, and lawyers and students of the law should be objective and open-minded about legislative proposals, seeking to balance the interests of those affected by them as against the interests of the entire society. Important bills on international policy, the relations of capital and labor, the relations between private wealth and a public concern for poverty and the culturally deprived, assistance to the needy, the indigent, and the aged, and many other matters are before us. These are measures which lawyers draft and with respect to which lawyers will engage in planning, negotiation, arbitration, and litigation.

In regard to the Court, reviewing the term just completed, one is staggered by the number of issues that boil up through the lower federal courts and the state courts to the Supreme Court. Civil rights and civil liberties continue, of course, to occupy a great deal of the Court's time and to make news stories in the daily press. In *Beck v. Ohio*, evidence seized by police after arrest and without warrant was held inadmissible in a state criminal prosecution. In *Stanford v. Texas*, a warrant issued under the Texas Suppression Act authorizing seizure of printed matter relating to Communist Party activities was held to violate the constitutional protection against general warranties afforded by the Fourth and Fourteenth Amendments. In *Ventresca v. U.S.*, the Court reined in somewhat on its course in the search cases and sustained the validity of a search warrant issued on a government agent's affidavit which stated his belief based on personal observation and information received from others that the accused had violated the law.

*Cox v. Louisiana* reversed convictions of civil rights workers under state statutes which prohibited congregating under circumstances that might result in a breach of the peace. *Turner v. Louisiana* reversed a conviction and death sentence because a deputy sheriff, the state's principal witness, spent too much time with the jury. *Estes v. Texas* reversed a conviction on the ground that televising the trial precluded the defendant's having a fair trial. *Garrison v. Louisiana* reversed a conviction on the ground that one cannot be convicted under a state defamation statute if the statements complained of, which were about public officials, were true, even though maliciously made, or even if they were false, yet not made with knowledge of their falsity nor with reckless disregard of whether true or false. This case constitutes a significant development in the area of free speech and is an elaboration on the earlier *N.Y. Times v. Sullivan* case, a civil action arising out of alleged defamatory statements about public officials.

The constitutionality of the much discussed and debated Civil Rights Act of 1964 was sustained in a rash of cases: *Heart of Atlanta Motel v. United States*, *Katzenbach v. McClung*, *Hamm v. City of Rockhill*, *United States v. Mississippi*, and *McKinnie v. Tennessee*.

Movie censorship and birth control legislation were presented in *Freedman v. Maryland* and *Griswold v. Connecticut*, the former enunciating important rules regarding the kind of prompt judicial review to be afforded exhibitors of motion pictures and the latter stating important principles regarding the privacy of the marriage relationship.

A case which a member of our faculty argued before the Court, *Armstrong v. Manzo*, invalidated a Texas adoption proceeding because the natural father was not given the benefit of judicial due process.

These are but a few samples of the grist that goes through the mill in a single term. But these are by no means all. A state legislative reapportionment act, labor law matters, cases in income and estate taxation, extension of the authority of the Federal Power Commission over the production and distribution of natural gas, actions of other regulatory commissions,

ordinances affecting airport zoning, patents, and other matters also required resolution before the Court in a single term.

The relationships of the individual to his government and to other members of the society present delicate and complicated issues that are difficult to decide. Little wonder that there should be a storm of controversy over the Court's decisions. But lest we think this storm of controversy is peculiar to our day, a bit of historical reflection will show that this is as it has always been. In the earliest history of the country, the Court came into clash with the views of the people and other departments of government.

The two great Virginians, Thomas Jefferson as President and John Marshall as Chief Justice, disagreed about the Court's function. Jefferson wrote Spencer Roane of Virginia that each government department should have the right to decide what is the meaning of the Constitution. Marshall, on the other hand, wrote in *Marbury v. Madison* in 1803 that it was the very essence of judicial duty to say what the law is. There was considerable support for the respective views of each of these men, and I suppose that if there had been facilities for decalcomania at that time, Jefferson's supporters might have driven about in their carriages with "Impeach John Marshall" stickers on their bumpers.

President Jackson was another chief executive who opposed the proposition that the Supreme Court was the arbiter of all questions of constitutional construction. When Marshall died, Jackson appointed Roger Taney of Maryland as Chief Justice. Although Taney had been Jackson's adviser in his disagreements with Marshall, Taney himself became an advocate of a strong judiciary and consolidated the gains that had been made by Marshall. In 1857 Taney delivered the Dred Scott decision, holding that a slave brought into free territory remained a slave because he was property. An ex-Congressman from Illinois, one A. Lincoln, resolved to reverse that decision. Ironically, it was Taney who administered the presidential oath of office to Lincoln.

Taney believed that military coercion by the North would violate the essence of the constitutional system and that he

could continue as Chief Justice although he could at the same time accept the legality of secession. To Lincoln this position was untenable. The integrity of the Constitution depended on the preservation of the whole Union; the latter was indispensable to the viability of the former. As compassionate and forgiving as the great Lincoln was, it is an interesting aspect of his character that he could never find a basis of friendship and understanding with his Chief Justice. I suppose that the ardent abolitionists of the North of that day, if decals had been available, might have driven about with "Impeach Roger Taney" stickers on their bumpers.

One could mention the storm over the Wilson Tariff Bill of 1894 which imposed an income tax. It came before the Court in 1895, and by a 5 to 4 decision the tax was determined to be unconstitutional. This decision was probably as highly controversial in its day as any of the civil rights decisions in our own day. A wave of argument swept the country. On the one side, editorials hailed the decision declaring the income tax unconstitutional as a vindication of the institution of the Court. On the other side, the charge was made that the rich and the great had hired the ablest lawyers in the land to fight off a petty tax and thus avoid carrying their fair share of government. Eighteen years later, the people responded by amending the Constitution to provide for an income tax.

In 1937 President Roosevelt tried to pack the Court, in order to end the Court's vetos of his favorite New Deal economic measures. He went to the people in his famous fireside chats to gain popular support for the court-packing plan and even engaged in some ragging of the judges and their decisions. The court-packing battle ran on in the Congress for some five or six months until a predominantly Democratic Senate gave one of the most popular presidents in the history of our country one of his worst political defeats. President Roosevelt had simply misjudged the respect with which the people as a whole treat the Court.

By 1937 bumper stickers were available but not even the most vehement detractors of the then Chief Justice would have dared to display "Impeach Charles Evans Hughes" signs, for



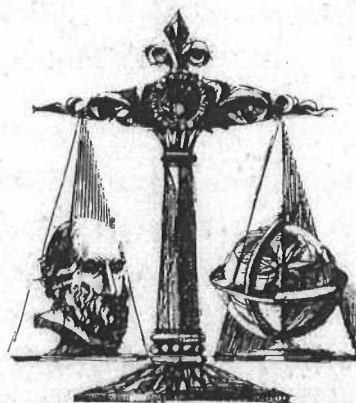
Mr. Chief Justice Hughes was a man of regal bearing — tall, stately, with a long beard, appearing as the Deity Himself — looking as if ready to smite down anyone who affronted him.

In 1957, after the Court's decisions in the sensitive cases of internal security, censorship, criminal procedure, labor relations, segregation, and so on, Senators Jenner, Butler and Eastland and others were prompted to sponsor bills to curb the Court's jurisdiction. It was then that the odious signs about the present Chief Justice began to appear on automobile bumpers. The proponents of these and similar measures get nowhere because they, like others before them, misjudge the trust which the people have in the judicial system.

In fair weather and foul, in good times and bad, through popular decision and unpopular decision, the people as a whole have displayed a remarkable loyalty to our court system; for an independent judicial process is an indispensable prerequisite to the maintenance of order in a free society. Despite the unpopularity of decisions that have to be made, whether in the lowest municipal court or in the highest court in the land, somehow these tough controversies that have bedeviled us throughout our history have to be resolved and the institution of judicial process is the best that mankind has yet devised.

Study of legislation and study of decisions that affect our national and international life are, therefore, the business of lawyers and law students, and can be a source of a great deal of challenge in law school. I hope that during this Semi-Centennial Celebration year and in these exciting times in which we live, students of this Law School would devote themselves with great dedication and energy to an understanding of the role of law and the role of lawyers, judges, and lawmakers in our country. Here you have the climate for free and open discussion and the opportunity for creativity of ideas. Take advantage of it, and you will be rewarded. Your efforts will rebound to your benefit and to the benefit of the legal profession and the entire community for many years to come.

Again, welcome and best wishes to you all.



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